

REMARKS/ARGUMENTS

Reconsideration and allowance in view of the foregoing amendment and the following remarks are respectfully requested.

Previously presented claims 2-6, 13 and 19-23 were rejected under 35 USC 102(e) as being anticipated by Sekiya. Applicant respectfully traverses this rejection.

The present invention as defined by claims 2, 13 and 19, are characterized by including, *inter alia*, a magnetic flux reducing means that passes therethrough (only) a part of magnetic fluxes of a magnetic generating means 5 and thereby reduces magnetic fluxes passing through a magnetism sensing element 7, only when a relative turning angle is within a predetermined range, which is less than a full range of relative turning angles between the magnetic flux generating means and the magnetism sensing element.

Anticipation under Section 102 of the Patent Act requires that a prior art reference disclose every claim element of the claimed invention. See, e.g., Orthokinetics, Inc. v. Safety Travel Chairs, Inc., 806 F.2d 1565, 1574 (Fed. Cir. 1986). While other references may be used to interpret an allegedly anticipating reference, anticipation must be found in a single reference. See, e.g., Studiengesellschaft Kohle, G.m.b.H. v. Dart Indus., Inc., 726 F.2d 724, 726-27 (Fed. Cir. 1984). The absence of any element of the claim from the cited reference negates anticipation. See, e.g., Structural Rubber Prods. Co. v. Park Rubber Co., 749 F.2d 707, 715 (Fed. Cir. 1984). Anticipation is not shown even if the differences between the claims and the prior art reference are insubstantial and the missing elements could be supplied by the knowledge of one skilled in the art. See, e.g., Structural Rubber Prods., 749 F.2d at 716-17.

The Examiner characterizes armature 50 of Sekiya as constituting a magnetic flux reducing means corresponding to the claimed magnetic flux reducing means 11.

Applicant respectfully disagrees. Indeed, it is respectfully submitted that it is clear from column 3, line 59 - column 4, line 9 of Sekiya and Figures 3A to 3C thereof that armature 50, though only semi-circular, is provided to pass all magnetic fluxes of magnet 10 therethrough, over the entire range θ of movement of rotor 1. This is because rotor 1 is constrained to move only through a limited range θ and throughout that range, as illustrated Figures 3A - 3C, the magnetic fluxes of magnet 10 all pass through armature 50.

In contrast to Sekiya, as claimed and as understood from Figures 1 and 2A, for example, of applicant's specification, only a part of the magnetic fluxes of the magnetic generating means 5 pass through magnetic flux reducing means, and only when a relative turning angle is within a predetermined range, which is less the full range of relative turning angles. Thus, Sekiya clearly fails to anticipate applicant's independent claims 2, 13 and 19. The remaining claims are allowable at least by virtue of their dependence on the noted independent claims.

All objections and rejections having been addressed, it is respectfully submitted that the present application is in condition for allowance and an early Notice to that effect is earnestly solicited.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: 

Michelle N. Lester
Reg. No. 32,331

MNL:sj
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100